



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

the stockholders to creditors is ordinarily determined by the law of the domicile of the corporation, *Bell v. Farwell*, 176 Ill. 489, 52 N. E. 346, 42 L. R. A. 804, yet it is believed that the terms of the memorandum and articles of association of the defendant's corporation brought him within the scope of the language quoted above.

COVENANTS—PRIVITY OF ESTATE.—Where A acquired title to a piece of property by adverse possession against B, it was *held* that he could not claim rights under a covenant of warranty running to B because of a lack of privity of estate. *Deason v. Findley* (1906), — Ala. —, 40 So. Rep. 220.

While the doctrine that privity of estate was necessary to pass covenants running with the land was once open to question (*Smith's Leading Cases*, Eighth Ed., Vol. I, page 192; *Dickinson v. Hoomes*, 8 Grat. 406), it is now thoroughly established. *Brewer v. Marshall*, 18 N. J. Eq. 337; *Mygatt v. Coe*, 124 N. Y. 212, 26 N. E. 611, 11 L. R. A. 646; *Beardsley v. Knight*, 4 Vt. 471. In this latter case the court said, "It would be at least singular if he could acquire a title against H by a trespass and at the same time acquire a right to H's claim against the defendant on the covenants in his deed."

CRIMINAL LAW—FALSE PRETENSES—POSTPAYABLE CHECK.—The defendant and his co-conspirator obtained goods from the prosecuting witness for a check dated June 23 and expressly made payable June 26. The defendant's confederate drew the check and represented to the witness that it was good and of the value of \$15, the sum it was drawn for. The check proved worthless. *Held*, that a postpayable check, as a mere promise to pay, cannot be the subject of false pretenses. *Brown v. State* (1906), — Ind. —, 76 N. E. Rep. 881.

The defendant seems to have been saved from conviction by resort to a technical rule that perhaps was erroneously applied. It is true that misrepresentation of a future event can be no false pretense. *Keller v. State*, 51 Ind. 111, 117. Still, while a false promise to pay will not alone be indictable as false pretenses, coupled with a false representation of an existing fact it will be. *State v. Montgomery*, 56 Ia. 195, 9 N. W. 120. In *Rex v. Parker*, 7 Car. & P. 825, a check drawn December 27, and payable January 6, was the subject of false pretenses which consisted in a representation by the prisoner and maker that the check was good and of the value indicated on its face. So where a prisoner represented that a postdated check made and offered by his confederate was good, and that the maker had a business, the court held him guilty of false pretenses. *Lesser v. People*, 73 N. Y. 78 (reported below, 12 Hun 668). In the latter case the court said that if no representations had been made the defense that the check was only a false promise would have been good. The worthlessness of the check would then have been but a breach of contract. The mere trick of post-dating the check, however, should not take away the criminal character of false representations by means of which a man's property is wrongfully taken.

CRIMINAL LAW—PRESUMPTION FROM IDENTITY OF NAMES.—John Smith was indicted for larceny. The state, under statute, sought to inflict a severer sentence on account of prior convictions of burglary. The records of two